

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON

STEVEN HAMMON,

Plaintiff,

v.

Case No. 2:11-cv-00038

SARGENT WOLF,  
SENIOR TROOPER JIM COLMER,  
OFFICER B.J. ANDERSON,  
Ravenswood Police Department,  
and JOHN DOE, K-9 Unit Officer,

Defendants.

PROPOSED FINDINGS AND RECOMMENDATION

On January 14, 2011, the plaintiff filed an action, claiming that the defendants used excessive force on him on April 6, 2009. By Order entered August 26, 2011 (ECF No. 26), the court noted the plaintiff's projected release date of December 27, 2011, and the plaintiff's limited ability to prosecute this civil action *pro se* and while incarcerated, and stayed the case until January 3, 2012. In that same Order, the court required the plaintiff, within two weeks of his release from custody, to (1) notify the Clerk of his address and (2) notify the court whether he wishes to continue representing himself, whether he will attempt to retain counsel, or whether he prefers to dismiss this action. The plaintiff has done none of these tasks. It appears that the plaintiff no longer wishes to prosecute this civil action.


The undersigned proposes that the presiding District Judge **FIND** that the plaintiff failed to comply with the Order entered August 26, 2011, and that he has made no effort to prosecute this litigation. It is respectfully **RECOMMENDED** that this action be dismissed without prejudice for failure to prosecute.

The plaintiff is notified that this Proposed Findings and Recommendation is hereby **FILED**, and a copy will be submitted to the Honorable John T. Copenhaver, Jr., United States District Judge. Pursuant to the provisions of Title 28, United States Code, Section 636(b)(1)(B), and Rules 6(d) and 72(b), Federal Rules of Civil Procedure, the plaintiff shall have fourteen days (filing of objections) and three days (mailing) from the date of filing this Proposed Findings and Recommendation within which to file with the Clerk of this Court, specific written objections, identifying the portions of the Proposed Findings and Recommendation to which objection is made, and the basis of such objection. Extension of this time period may be granted for good cause shown.

Failure to file written objections as set forth above shall constitute a waiver of de novo review by the District Court and a waiver of appellate review by the Circuit Court of Appeals. Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989); Thomas v. Arn, 474 U.S. 140 (1985); Wright v. Collins, 766 F.2d 841 (4th Cir. 1985); United States v. Schronce, 727 F.2d 91 (4th Cir. 1984). Copies of such objections shall be provided to Judge Copenhaver.

The Clerk is directed to file this Proposed Findings and Recommendation, to mail a copy of the same to the plaintiff, and to transmit it to counsel of record.

January 24, 2012  
Date

  
Mary E. Stanley  
United States Magistrate Judge